



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,367	09/14/2005	Nicolaas Lambert	NL03 0267 US1	6175
65913	7590	12/08/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			DOAN, DUC T	
			ART UNIT	PAPER NUMBER
			2185	
			NOTIFICATION DATE	DELIVERY MODE
			12/08/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/549,367</p>	<p><b>Applicant(s)</b> LAMBERT ET AL.</p>	
	<p><b>Examiner</b> DUC T. DOAN</p>	<p><b>Art Unit</b> 2185</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Sanjiv Shah/  
Supervisory Patent Examiner, Art Unit 2185

Continuation of 11.

Applicant's remarks have been fully considered, but they are not persuasive.

A) Applicant's amendment of the abstract overcomes the specification objection stated in the previous office action mailed 9/21/2009.

B) Regarding Applicant's arguments at pages 6-9 for the rejections of claims 1-5, 8-12 and 14 under 35 U.S.C 102(e). and the rejections of claims 6-7, and 13 under 35 U.S.C. 103(a), the arguments are not persuasive

B1) Applicant argue,

"Claim 1 has been amended to clarify the claimed limitations and to particularly point out that the request profile includes at least one set of request information elements including information based on requests for access to said memory. Support for this amendment can be found in Applicants' specification at, for example, paragraph [0018]. As amended, claim 1 recites: "A memory device comprising: a memory including a plurality of low-latency, rewritable, non-volatile memory cells; a profile storage unit including access information allocated to at least one request profile, said request profile including at least one set of request information elements including information based on requests for access to said memory; an access control unit connected with said profile storage unit and said memory, said access control unit configured to ascertain a request profile to an access request using request information of said access request, said access control unit further configured to determine access rights of said access request in dependence on the access information allocated to the request profile of the access request." (emphasis added) In contrast, Biessener does not disclose that the request profile includes a set of request information elements including information based on requests for access to said memory, as recited in the claim. Biessener merely discloses a partition table 11 that stores a first group of partitions 16A associated with a first user, and a second group 16B associated with a second user. However, the partition entries in the partition table 11 do

not include information based on requests for access to said memory. Rather, the partition entries contain data, such as the partition state, which are independent of any access request (a partition state is set, and defines how the controller processes storage access commands, but the partition state itself is not based on the access commands. See Biessener, paragraph 60).

In response, Applicant main argument is that "... the partition entries in the partition table 11 do not include information based on requests for access to said memory..". Examiner disagrees. The request from user contains information such as address that links the request to a certain partition which has specific information related to the request, for example Table 1 shows read only partition, which means the request corresponds to this partition only can access in read mode only. Therefore, the table 1 clearly teaches the claim's "...said request profile including at least one set of request information elements including information based on requests for access to said memory...".

B2) Applicant further argues,

"Furthermore, Biessener does not disclose that a control unit is configured to ascertain a request profile to an access request using request information of said access request, as recited in the claim. The cited portion of Biessener (paragraphs 69-72) merely discloses that the first four partition entries of partition table 11 define active partitions for the user JONES. Biessener further discloses that upon receiving security information of FDKL33 and a user identifier of JONES, controller 6 presents the first group 16A to the operating system (Biessener, par. 70). However, even if this citation were understood to disclose an access control unit, in general, Biessener nevertheless fails to disclose that

the request profile includes a set of request information elements including information based on requests for access to said memory. In fact, Biessener merely discloses presenting each partition to the operating system for each user, but does not disclose that the partition table includes information based on the request for access to the memory.

On page 4, the Office Action states that the partition table information of

Biessener indicates access permission for a request, and that Biessener therefore discloses that access rights are determined in dependence on the access information allocated to the access profile. However, the cited portion of Biessener (paragraphs 57-58, table 1) does not disclose a request profile of an access request. Even if this citation were understood to disclose an access profile, in general, Biessener nevertheless fails to teach an access profile of an access request. In fact, Biessener merely discloses that a partition state is stored in a partition table. However, the partition table is not of an access request (Biessener, paragraphs 57-58).

For the reasons presented above, Biessener does not disclose all of the limitations of amended claim 1 because Biessener does not disclose a request profile including at least one set of request information elements including information based on requests for access to said memory, as recited in the claim. Furthermore, Biessener does not disclose an access control unit configured to ascertain a request profile to an access request using request information of said access request, said access control unit further configured to determine access rights of said access request in dependence on the access information

allocated to the request profile of the access request, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is not anticipated by Biessener because Biessener does not disclose all of the limitations of the claim.

In response, Applicant appears to admit that logic of Biessener teaches the claimed access control unit, but repeat the argument that Biessener fails to teach the claim's "...the request profile includes a set of request information elements including information based on requests for access to said memory...". However, this argument is addressed in item B1 above.

B3) With regard to argument for claims 14 and dependent claims 2-13, Applicant offers the similar argument as of claim 1, and therefore the same response as discussed in item B1 applied.